REMARKS

1. Claim Amendments.

Claim 1 has been amended. Further, Claims 2 and 8 have been amended to overcome the examiner's 35 USC 112 objections. Other minor changes have been made to the claims to address minor formality issues. New Claims 9-20 have been added. No new matter has been added any of these amendments.

2. Rejection Under 35 USC 103.

Claims 1-7 have been rejected under 35 USC 103(a) as being unpatentable over Soto et al. (US Pat. No. 6,954,199, hereinafter "Soto") in view of Sameth et al. (US Pat. No. 5,882,202; hereinafter "Sameth"), further in view of Fioramonti (US Pat No. 5,114,346). Applicant respectfully traverses this rejection.

For a claim to be determined obvious (or nonobvious) under 35 USC 103, the claimed material must have been obvious to person of ordinary skill in the art from the prior art. An obviousness determination requires examining (1) the scope of the prior art, (2) the level of skill in the art, and (3) the differences between the prior art and Applicant's invention. *Litton Systems, Inc. v. Honeywell, Inc.*, 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention based on those principles. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 19 USPQ2d 1432 (Fed. Cir. 1991). In fact, an applicant may use a reference as his basis for further experimentation and to create his invention. *Id.*

The fact that each element in a claimed invention is old or unpatentable does not determine the nonobviousness of the claimed invention as a whole. *See Custom Accessories, Inc., v. Jeffrey-Allan Industries*, 1 USPQ2d 1196 1986 (Fed. Cir. 1986). The prior art must not be given an overly broad reading, but should be read in the context of the patent specifications and ***as intended by reference authors***. *Durling v. Spectrum Furniture Co.*, 40 USPQ2d 1788

(Fed Cir 1996) (Federal Circuit held that district court erred by giving a "too broad an interpretation" of claims in a sofa patent to invalidate another on the nonobviousness standard).

The Federal Circuit has made it clear that the nonobviousness standard is applied wrongly if a court or an examiner: (1) improperly focuses on "a combination of old elements" rather than the invention as a whole; (2) ignores objective evidence of nonobviousness; (3) pays lip service to the presumption of validity; and (4) fails to make sufficient *Graham* findings. *Custom Accessories, Inc.*, 1 USPQ2d 1196 (Fed. Cir. 1986). Applying the nonobviousness test counter to these principles counters the principle that a patent application is presumed nonobvious. *Id.* To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The use of Soto's three-dimensional art produces a mechanical response, e.g., one application uses the indication of a choice made by a stylus touch to a region of the art display area; a contact of an art area generates another area of the book to respond to that choice of action and give information. Soto provides spelling indicia in only two-dimensions. Soto provides no effective structure to teach students about words that have no inherent meaning and cannot ordinarily be visualized graphically, e.g., the, an, on, with, etc.

Sameth combines the visual (2-dimensional letters and pronunciation guides; 2-dimensional computer generation of lips moving while enunciating words) and auditory displays of a word to teach pronunciation of that given word. The pronunciation display of Sameth was done in 2-dimensions (the written representation of the pronunciation) and three-dimensions (the auditory version of the pronunciation), and it was combined with a 2-dimensional display (computer monitor) and instruction about the given word. While this kind of display may be helpful for teaching the phonetically-capable student who can work with 2-dimensional representations of images, objects and words, and the inherently meaningless sounds of phonics, Sameth does not disclose, teach or suggest providing several integrated sources of three-dimensional (therefore, registered or perceived by many of the senses at once) and multi-sensory

art that concurrently are used to produce a composite, multi-sensory internal experience within the student of the whole or gestalt of the given word.

Fioramonti discloses the use of raised letters to teach the correct shape and position of written characters and words. Fioramonti does not disclose, teach or suggest using textured and raised letters to provide a dual-effect of tactile sensation, i.e., the gross level of a three dimensional object, as well as the sub-level of shape surface texture and treatment. Additionally, Fioramonti discloses letters that are movable, yet confined within a physical frame for retention. In contrast, the present invention provides letters that are fixed on the page. Moreover, Fioramonti does not disclose any structure for teaching or displaying punctuation in a contextual sense.

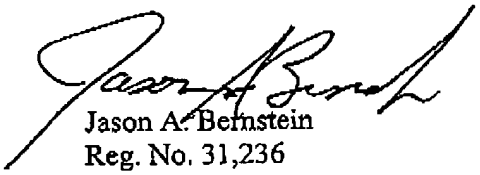
There is no suggestion or motivation to combine the separate aspects of each of the cited references to produce a multi-sensory apparatus for concurrently exposing the student to the various aspects of visual/graphic, auditory, tactile and imagination in a concerted synergistic manner to enable the student to better comprehend the inherently meaningless word being presented. The cited prior art does not disclose, teach or suggest a structure as presented in the claims as amended that combines these various aspects of sensory learning into a single interactive teaching tool.

CONCLUSION

Applicant submits that the patent application is in proper condition for allowance, and respectfully requests such action.

If the Commissioner or the Examiner has any questions that can be resolved over the telephone, please contact the below signed patent attorney of record.

Respectfully submitted,
POWELL GOLDSTEIN LLP



Jason A. Bernstein
Reg. No. 31,236

POWELL GOLDSTEIN LLP
1201 West Peachtree Street, NW
14th Floor
Atlanta GA 30309-3488
Tel: 404.572.6900
Fax: 404.572.6999
E-Mail: jbernstein@pogolaw.com
::ODMA\PCDOCS\ATL\990604\1